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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: MARNAY, et al

Patent

Serial No.: 10/018,402

203 CFR 16

US PATENT & TRADEMARK
OFFICE ATTENTION: Refund Section

Filed: December 19, 2001

Office of Finance

For: INTERVERTEBRAL IMPLANT

Docket No.: P06794US00/MP

**RE-SUBMISSION OF A
REQUEST FOR REFUND (SMALL ENTITY)**

Honorable Commissioner for Patents

Washington, D.C.

SIR:

In response to the Patent Office Letter mailed January 8, 2003 denying

Applicants' request for refund filed June 26, 2002, Applicants hereby resubmit their

Request for Refund based on the facts, as follows:

a. On December 19, 2001, the application and a Preliminary Amendment were filed (the application contained 17 total claims; 1 independent claim). The basic national fee was also paid on that date, at a large entity rate. Applicants are not seeking a refund for any portion of this basic national fee, as it is understood that the three month time period had expired when the Request for Refund filed June 26, 2002 was filed.

b. On March 12, 2002, a Notification of Missing Requirements was mailed by the Patent Office.

c. On March 26, 2002, an Information Disclosure Statement and a Second Preliminary Amendment adding 37 new claims were filed (the application then contained 54 total claims; 9 independent claims). The additional claims fees were also paid on that date, at a large entity rate, in the amount of \$1,116. This is one of the fees for which a refund was requested in the original Request for Refund, which was timely

filed within three months on June 26, 2002. Accordingly, it is respectfully requested that one half of the additional claims fees (i.e., \$558) be refunded.

d. On June 12, 2002, Applicants responded to the Notification of Missing Requirements. The required surcharge and a one month extension of time were also paid on that date, at a large entity rate, in the amount of \$240. This is the second of the fees for which a refund was requested in the original Request for Refund, which was timely filed within three months on June 26, 2002. Accordingly, it is respectfully requested that one half of the surcharge and extension of time fees (i.e., \$120) be refunded.

e. On June 26, 2002, as noted above, Applicants submitted a Request for Refund (Small Entity) (a copy of which is enclosed herewith), requesting a total refund of \$678, and establishing small entity status for this application.

Therefore, pursuant to 37 C.F.R. § 1.28(a), it is requested that a 50% refund of the foregoing fees (i.e., \$678) be credited to Deposit Account No. 12-0555. It is further requested that counsel be advised of the credit and a copy of this request is enclosed for this purpose.

Respectfully submitted,
LARSON & TAYLOR, PLC



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April 11, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: MARNAY, et al

Patent

Serial No.: 10/018,402

Examiner:

Filed: December 19, 2001

APR 11 2003 Att. Unit:

For: INTERVERTEBRAL IMPLANT

Patent & Trademark Office No.: P06794US00/MP

REQUEST FOR REFUND (SMALL ENTITY)

Honorable Commissioner for Patents
Washington, D.C.

SIR:

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A full fee was paid in the application within the preceding three months as follows:

Amount of Fee: \$1,116.00;

Date Fee Paid: March 26, 2002;

Purpose of Fee: (34) claims in excess of 20 and (6) independent claims in
excess of three;

and

Amount of Fee: \$240.00;

Date Fee Paid: June 12, 2002;

Purpose of Fee: surcharge - Late filing declaration and one month extension
of time.

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Applicant was and is entitled to small entity status. Therefore, pursuant to
37 CFR 1.28(a), it is requested that a 50% refund of the foregoing fees (i.e., \$678) be
credited to Deposit Account No. 12-0555. It is further requested that counsel be advised of
the credit and a copy of this request is enclosed for this purpose.

Respectfully submitted,

Date: June 26, 2002

Marvin Petry
By: Marvin Petry
Reg. No.: 22752

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